

Petition filed before US Supreme Court for Mumia Abu-Jamal

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On May 12, Mumia Abu-Jamal's legal defense team, led by attorney Leonard Weinglass, announced they had filed a Writ of Certiorari before the US Supreme Court challenging the legality of court procedures in his original 1982 trial. Abu-Jamal, the former Black Panther party member and well-known radio journalist, was framed up and sentenced to death for the shooting of a Philadelphia police officer. Pennsylvania Governor Thomas Ridge is expected to sign a warrant for his execution in the coming months.

The motion, filed on April 22, argues that Abu-Jamal's right to due process was violated in the 1982 trial. At that time he was denied the right to act as his own attorney, removed from the courtroom on numerous occasions and not given any means to monitor the proceedings—all violations of his constitutionally protected rights under the Sixth Amendment.

A Writ of Certiorari can only ask the Supreme Court to review the written record of the trial and rule on particular points of law. It cannot ask the court to hear any new evidence.

Therefore Abu-Jamal's attorneys began the writ, "Wholly apart from the newly discovered evidence tarnishing the prosecution of Mr. Jamal and strongly pointing to his innocence is the record of evidence that he never received adequate assistance of counsel in either the guilt or penalty phase. Nor did he receive adequate funding to counter the prosecution's scientific evidence."

From the beginning of the trial, presided over by Judge Albert Sabo, a lifetime member of the Fraternal Order of Police, measures were taken to strip Jamal of his right to conduct his own defense.

Before the trial began the judge permitted Abu-Jamal to act as his own attorney, and directed Anthony

Jackson, his court-appointed attorney, to act as a back-up counsel. But during the jury selection process (voir dire) the judge ordered Jackson to take over, complaining that the procedure was taking too long. Jamal correctly feared that this would be the first step in stripping him of his rights and protested, but he consented after being faced with the possibility that the court would select all jurors.

Jackson informed the court that he was unprepared to try the case and did not have sufficient funds for expert witnesses. When he reported that he was asked to withdraw from the case at Jamal's request, Judge Sabo told him to make an emergency appeal to the Pennsylvania Supreme Court for guidance. When Jackson questioned whether he had the right to make such an appeal given that Jamal was then acting as his own counsel, the court commented, "Well, if you are asking me to remove him, I'll remove him. I'll make it easy for you." This decision was taken in Jamal's absence.

Such violations occurred throughout the proceedings and when Jamal attempted to object, he was thrown out of the courtroom. He was absent either totally or for portions of seven days of the trial, and was thus unable to assist in the cross-examination of key prosecution witnesses.

If the Supreme Court rejects the application for a Writ of Certiorari, which it routinely does, Abu-Jamal's lawyers will be forced to seek a Writ of Habeas Corpus from the federal district court in Philadelphia. This mechanism allows the district court to review criminal convictions acted on by state courts. However, since 1996, when Clinton signed into law the Effective Death Penalty Act, the district court has much less scope than it did in the past.

Prior to the law going into effect, 38 percent of state

death penalty cases were reversed by federal judges. Without these reversals, there would now be over 5,000 individuals on death row in the US. Currently there are 3,500. The new law strips death row inmates of the right to have federal courts review the evidence in state courts. It also speeds up the process of execution by limiting the time the court has to make its decision. The overall effect of the act is to severely limit the right of death row inmates to appeal their sentences.

The fight for Abu-Jamal's freedom and a new trial has gained international support and become a focal point of the struggle against capital punishment in the United States. Tens of thousands demonstrated on Jamal's birthday, April 24, in Philadelphia and San Francisco. Some of the organizations supporting his case include the European Parliament, Amnesty International and the American Civil Liberties Union.

Messages demanding a new trial for Mumia Abu-Jamal should be sent to the US Supreme Court and Pennsylvania Governor Thomas Ridge.

Messages of support can be sent to Abu-Jamal at:

Mumia Abu-Jamal,
#AM 8335,
SCI Greene 1040 E. Roy Furman Hwy Waynesburg,
PA 15370-8090



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact